

## REMARKS/ARGUMENTS

Claims 19, 20, 22-23, 26-29, 31, 33-39 and 49 are currently pending in the present patent application. Claims 19, 26 and 49 are amended. In view of at least the following, all currently pending claims are in condition for allowance, and, therefore, the Applicants' attorney requests that the Examiner withdraw all outstanding rejections. *However, if after considering this response the Examiner does not allow all of the claims, the Applicants' attorney requests that the Examiner contact him to schedule a telephone interview to further the prosecution of this application.*

**Rejection of claims 19, 20, 22-23, 26-29, 31, 33-39 and 49 under  
35 U.S.C. § 102(b) as anticipated by Yu et al. (U.S. 6,448,606, hereinafter "Yu")**

**Claim 19**

Claim 19 as amended recites a pair of insulation structures each having a respective portion projecting from a substrate, the projecting portions defining a recess having a substantially constant width throughout its vertical dimension.

For example, referring to FIG. 14 and corresponding text of the patent application, in an embodiment a pair of insulation structures 27 each has a respective portion projecting from a substrate 21, the projecting portions defining a recess 33 (FIG. 10) having a substantially constant width throughout its vertical dimension.

In contrast, Yu does not disclose a pair of insulation structures with respective portions projecting from a substrate wherein the projecting portions define a recess having a substantially constant width throughout its vertical dimension. Referring, *e.g.*, to FIGS. 7A-7C and 11 and column 6 line 55 through column 7 line 5, the recesses defined by Yu's insulation structures 316-318 significantly vary in width over the course of their height, as indicated by the noted

disparities in the  $W_C$  and  $W_F$  dimensions which are depicted across the figures. Yu does not satisfy the limitations of claim 19, and Applicants' attorney respectfully requests that the Examiner withdraw the rejection accordingly.

#### **Claims 20 and 22-23**

These claims are patentable at least by virtue of their respective dependencies from claim 19.

#### **Claim 26**

Claim 26 as amended recites first and second insulators disposed adjacent to an active region and defining a recess over a portion of the active region and over a portion of at least one of the first and second insulators, the recess having first and second sides that are substantially perpendicular to the surface of the active region.

For example, referring to FIG. 14 and corresponding text of the patent application, in an embodiment first and second insulators 27 are disposed adjacent to an active region 25. The insulators 27 define a recess 33 (FIG. 10) over a portion of the active region 25 and over a portion of both the first and second insulators 27. The recess 33 has first and second sides, both of which are substantially perpendicular to the surface of the active region 25.

In contrast, Yu does not disclose a recess having first and second sides that are substantially perpendicular to the surface of the active region. Analogous to the discussion above with respect to claim 19 and referring, *e.g.*, to FIGS. 7A-7C and 11, Yu teaches recesses defined by insulators 316-318 that specifically do not have sides perpendicular to the surface of Yu's active region. If the sides of Yu's recesses were perpendicular as recited by the present claim 26, there could be no significant disparity between the dimensions  $W_C$  and  $W_F$  as depicted across the Yu figures. Yu does not satisfy the limitations of claim 26, and Applicants' attorney respectfully requests that the Examiner withdraw the rejection accordingly.

#### **Claims 27-29, 31 and 33**

These claims are patentable at least by virtue of their respective

dependencies from claim 26.

#### **Claim 34**

Claim 34 recites a first isolation region disposed in a substrate and defining a recess that is bounded by the first isolation region on at least two sides, the first isolation region having a first depth beneath the recess and a second depth outward from the recess along at least one of the at least two sides, the first depth being greater than or equal to the second depth.

For example, referring to FIG. 14 and corresponding text of the patent application, in an embodiment an isolation region 27 is disposed in a substrate 21 and defines a recess 33 (FIG. 10) that is bounded by that isolation region 27 on both its right and left side. Isolation region 27 has a first depth beneath the recess that is greater or equal to its second depth, measured outward from the recess along at least one of the two sides.

In contrast, Yu does not disclose an isolation region that is disposed in a substrate and that defines a recess that is bounded by that isolation region on at least two sides, wherein the isolation region has a first depth beneath the recess and a second depth outward from the recess along at least one of the at least two sides, and wherein the first depth is greater than or equal to the second depth. Referring, *e.g.*, to FIGS. 7A-7C and 11 and column 6 line 55 through column 7 line 5, no single isolation region (316, 317 or 318) defines a recess that is bounded by that isolation region on at least two sides. Yu teaches instead that the recess in which floating gate 308 and gate insulator 306 are disposed is defined by a first isolation region 316 on one side, a second isolation region 317 on another side, and substrate 302 below. Furthermore, the depth of Yu's isolation regions (316, 317, 318) that does lay beneath the recess is consistently less than their depth outward from the recess. Yu does not satisfy the limitations of claim 34. Applicants' attorney respectfully requests that the Examiner withdraw the rejection.

**Claims 35-38**

These claims are patentable at least by virtue of their respective dependencies from claim 34.

**Claim 39**

Claim 39 is patentable for reasons substantially similar to those discussed above with respect to claim 34.

**Claim 49**

Claim 49 as amended is patentable for reasons substantially similar to those discussed with respect to amended claim 19.

### **Conclusion**

The absence of additional patentability arguments should not be construed as either a disclaimer of such arguments or that such arguments are not believed to be meritorious. In light of at least the reasons discussed herein, existing claims 20, 22-23, 27-29, 31, and 33-39 and amended claims 19, 26 and 49 are in condition for allowance. Favorable consideration and a Notice of Allowance are respectfully requested. Should the Examiner have any further questions about the application, Applicant respectfully requests the Examiner to contact the undersigned attorney at (425) 455-5575 to resolve the matter.

In the event additional fees are due as a result of this amendment, payment for those fees has been enclosed in the form of a check. Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP

A handwritten signature in cursive script, appearing to read "James J. Carter", is written over a horizontal line.

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